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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,486	01/03/2001	Stephen Temple	27754/X254A	4903

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EXAMINER

STAICOVICI, STEFAN

ART UNIT	PAPER NUMBER
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1732

4

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

Applicant(s)

09/754,486

TEMPLE ET AL.

Examiner

Art Unit

Stefan Staicovici

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9,23-25,31,34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9,23-25,31 and 34-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/096,316.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicants' amendment filed November 29, 2002 (Paper No. 8) has been entered. Claims 7-8, 10, 12-22, 28-30 and 32-33 have been canceled. Claims 9, 23-25, 31, 34-35 are pending in the instant application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 9, 23-25, 31 and 34-35 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claims 9, 23 and 31, the limitation that the beam is "inverted" and directed "along an axis collinear with said first axis" by reflecting the beam off a "planar reflecting surface" and a "further beam reflecting means" (claim 9) or a "second reflecting surface" (claim 23) is not clear to one ordinarily skilled in the art. According to Figure 5a and the original specification at page 12, line 12 through page 13, line 25, it appears that inversion of the laser beam can occur only when reflecting the laser beam off three reflecting surfaces. Further, it should be noted that inversion of the beam could not occur when using *only two* (emphasis added) reflecting surfaces. Further clarification is required. Claims 24-25 and 34-35 are rejected as dependent claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claim 31 is rejected under 35 U.S.C. 102(e) as being anticipated by Shei et al. (US Patent No. 5,569,238).

Shei *et al.* ('238) teach the claimed apparatus including, providing a laser source and an optical homogenizer system including a first, second and third reflecting means (discrete members) that rotate (130) (see col.4, lines 53-57). It should be noted that because the optical homogenizer system reshapes and homogenizes the beam in a circular fashion that said homogenizer rotates. Further, it should be noted that because the optical homogenizer system of Shei *et al.* ('238) includes a similar structure as claimed, specifically three rotating reflecting surfaces placed at an angle to the incoming beam, then it is submitted that the outgoing laser beam of Shei *et al.* ('238) is inverted.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 23-24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiwaki *et al.* (US Patent No.5,263,250) in view of Shei *et al.* (US Patent No. 5,569,238).

Nishiwaki *et al.* ('250) teach the basic claimed apparatus and process for forming nozzles in a nozzle plate for an inkjet print head including, splitting a laser beam (3) into a plurality of secondary beams using a system of prisms and a flyeye lens (4), hence introducing a divergence into the secondary beams, whereas the origin of divergence being apart from the point where beam splitting occurs (see Figure 2), followed by a process of recombining and directing the secondary beams, using a convergent lens, toward a single aperture of a mask as defined by a light transmissible portion as shown in Figure 5, whereas the resulting light spot is made to coincide to with the light transmissible portion (aperture) of the mask (see col. 4, lines 54-56).

Regarding claims 9, 23-24 and 31, Nishiwaki *et al.* ('250) does not teach directing the laser beam to a first reflecting surface and then a second reflecting surface that are rotating such as to invert the beam in a collinear direction. Shei *et al.* ('238) teach an optical homogenizer system including a first, second and third reflecting means (discrete members) that rotate (130) (see col.4, lines 53-57). It should be noted that because the optical homogenizer system reshapes and homogenizes the beam in a circular fashion that said homogenizer rotates. Further, it should

be noted that because the optical homogenizer system of Shei *et al.* ('238) includes a similar structure as claimed, specifically three rotating reflecting surfaces placed at an angle to the incoming beam, then it is submitted that the outgoing laser beam of Shei *et al.* ('238) is inverted. Therefore, it would have been obvious for one of ordinary skill in the art to have provided an optical homogenizer system including a first, second and third reflecting means that rotate as taught by Shei *et al.* ('238) in the process of Nishiwaki *et al.* ('250) because, Shei *et al.* ('238) specifically teach that such a homogenizer reshapes and homogenizes the beam in a circular fashion, hence improving the quality of the resulting nozzles.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiwaki *et al.* (US Patent No. 5,263,250) in view of Shei *et al.* (US Patent No. 5,569,238) and in further view of Daly (US Patent No. 4,316,074).

Nishiwaki *et al.* ('250) in view of Shei *et al.* ('238) teach the basic claimed process as described above.

Regarding claim 25, although Shei *et al.* ('238) teach reflective means, Shei *et al.* ('238) do not specifically teach dielectric mirrors. Daly ('074) teaches the use of high reflectance dielectric mirrors (see col. 6, lines 30-35). Therefore, it would have been obvious for one of ordinary skill in the art to have used the high reflectance dielectric mirrors of Daly ('074) in the process of Nishiwaki *et al.* ('250) in view of Shei *et al.* ('238) because, Daly ('074) teaches that such mirrors have a 99% reflectance rate, whereas the process of Nishiwaki *et al.* ('250) in view of Shei *et al.* ('238) requires reflective means for homogenizing the beam, hence improving process quality.

9. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishiwaki *et al.* (US Patent No. 5,263,250) in view of Shei *et al.* (US Patent No. 5,569,238) and in further view of Hizny (US Patent No. 5,048,938).

Nishiwaki *et al.* ('250) in view of Shei *et al.* ('238) teach the basic claimed process as described above.

Regarding claim 35, although Nishiwaki *et al.* ('250) does not teach the use of a second mask interposed between the first mask (8) and the beam converging lens (10), the use of multiple masks to process a laser beam is well known in the art as evidenced by Hizny ('938) which teaches that "cleaning" of the beam occurs by using a spatial filter (mask) (see col. 1, lines 10-15). Therefore, it would have been obvious for one of ordinary skill in the art to have interposed a second mask (spatial filter) as taught by Hizny ('938) in the process of Nishiwaki *et al.* ('250) in view of Shei *et al.* ('238) because, Hizny ('938) specifically teaches that using a spatial filter (mask) allows "cleaning" of the laser beam prior to its impingement on the target, hence improving product quality and also because Hizny ('938) specifically teaches that the use of spatial filters is well known.

Allowable Subject Matter

10. Claim 34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (703) 305-0396. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM and alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino, can be reached at (703) 308-3853. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Stefan Staicovici, PhD


Primary Examiner 1/25/03

AU 1732

January 25, 2003